

# **TOWN OF WESTFORD**

## **PLANNING BOARD**

### **MINUTES**

**DATE:** June 21, 2004

**TIME:** 7:30 P.M.

**PLACE:** Westford Academy Choral Room

**PRESENT:** Michael Green, Andrea Peraner-Sweet, Peter Fletcher,  
Robert Shaffer, Fred Palmer

**OTHERS**

**PRESENT:** Tim Greenhill-Town Planner, James Arsenault-Town  
Engineer, Norman Khumalo-Assistant Town  
Manager, Audience Members

**OPEN FORUM**

**AFFORDABLE HOUSING PROJECT** - Peraner-Sweet announced that the Zoning Board of Appeals voted on June 9, 2004 to grant the Variances that are needed by the Westford Housing Authority and the Affordable Housing Committee to begin the affordable housing project at the Veteran's Memorial Complex (Stony Brook site). Peraner-Sweet anticipated that the Housing Authority would be in front of the Planning Board in July. The project is for fifteen (15) units of affordable housing.

**DRAINAGE AT WOOLSACK ESTATES** - Palmer asked for an update on the drainage problems at Woolsack Estates and Beaver Brook Road. Greenhill reported that the geotechnical report has been received from Jay Billings and is currently being reviewed by the Town Engineering Department. A report will be provided to the Board at the next meeting. Green asked that this matter be scheduled as an agenda item.

**PLANNING BOARD MEETING LOCATION** - Greenhill reported that the next Planning Board meeting will be held at the Millennium School (behind the Abbot School). The School Department is shutting down operations at the Westford Academy during the summer months.

**ROME DRIVE UPDATE** – Shaffer recused himself as he is an abutting landowner. Residents of Rome Drive Extension were present seeking an update. Greenhill reported that he spoke to Town Counsel several times over the last ten days and was told that they are working diligently on pursuing the bond issue as raised by the Board. Green told the audience that the Board cannot discuss this matter in detail because of the ongoing litigation. Green asked Greenhill to schedule an executive session at the next meeting for a further update.

**CHESTNUT HILL DISCUSSION** - Dan Linscott, Chestnut Hill Land Corp., was present. Linscott distributed a copy of the rules and regulations that were in effect when the subdivision was permitted and approved. Linscott felt that the current rules and regulations do not apply to this subdivision. Linscott stated that the rules and regulations speak clearly to what he owns. Linscott outlined the history of the recent work, meetings, telephone calls and filings. Richard Barrett, Highway Superintendent, stated that there are problems and discrepancies in the subdivision. Barrett felt that the bond reduction requested at the last meeting was premature and was received by the Highway Department without the signature of the developer's engineer. Barrett stated that Arsenault came up with a compromise of an estimate of the quantities. Linscott and Arsenault discussed the discrepancies in the curbing. Residents of the Chestnut Hill neighborhood asked the Board to move the process forward and to keep in mind that the ultimate goal is to get the street accepted.

**It was by Shaffer, seconded by Fletcher, and VOTED UNANIMOUSLY, to rescind the vote for bond release for Chestnut Hill from June 7, 2004.**

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to reduce the bond on Swede's Crossing from a current amount of \$115,426.36 by \$44,252.92 leaving a total bond amount of \$71,173.44, from Station 0+00 to 20+49.**

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to release the bond for Tavern Circle from Station 0+00 to 8+87 from the current amount of \$57,457.43 by \$29,538.29 leaving a total of \$27,919.14.**

Green asked Greenhill to schedule this matter for the July 12, 2004 meeting at 8:30 p.m. for discussion of the ongoing work and overall development issues.

**PEDESTRIAN SAFETY** – Peter Ewing, Old Homestead Road, suggested that Staff contact Lou Ribitto, Mass Highway Pedestrian Coordinator, for useful data.

**WESTFORD TECH PARK WEST** – Peter Severance, Snow Drive, asked for an explanation why this item has been continued. Green stated that the applicant is continuing to work on some of the documentation related to phasing. Severance asked when the Town would be filing regarding the connector road. Green stated that the filing is being worked on by Staff in concert with the phasing from Gutierrez.

**PUBLIC HEARING – XAVIER LANE (Formerly Dupee Lane) – DEFINITIVE SUBDIVISION – 3 LOTS – SPECIAL PERMIT – COMMON DRIVEWAY**  
***178 Carlisle Road, CTZ Design Partnership, Continued from June 7, 2004***

Attorney Douglas Deschenes and Bert Hamill, H-Star Engineering, were present for the applicant. Greenhill reported that revised plans have been received. Deschenes stated that all engineering questions have been answered. Deschenes addressed a small plan showing sight distances of 350 feet in both directions. The applicant will provide an easement in order to achieve the sight distance. Deschenes stated that the Conservation Commission should have an Order of Conditions prepared by Wednesday, June 23, 2004 because the plans meet all of their rules and regulations. Deschenes indicated that he will ask for the Commission's permission to cut the brush along the street side of an existing stonewall. The Board discussed with Deschenes the applicant's request to keep the existing driveway. Jim Zegowitz, CTZ Design, stated that if the garage is replaced it will be on the same foundation. Zegowitz reiterated his idea of maintaining the historic nature of the building. Greenhill suggested a sidewalk easement be included within the sight distance easement. Deschenes agreed to a sidewalk easement. Deschenes pointed out that a problematic area is the existing house which is very close to the road layout. Deschenes stated that he would provide those covenants prior to the building permits.

Green asked Deschenes to revisit the access issue and discuss any questions with Staff; provide architectural plans for the garage at the existing house (for informational purposes); and resolve the easements issues.

Emily Teller, 9 Texas Road, stated that she drives past the site every day. Teller was concerned with another access/egress onto Route 225 especially in the winter due to icing issues. Teller felt that the sidewalk should be inside the stonewall to address safety concerns. Teller suggested that the driveway to the existing house lot be on Xavier Lane.

Continued to July 12, 2004 at 7:10 p.m. at the Millennium School.

**PUBLIC HEARING – WIRELESS COMMUNICATIONS – SITE PLAN –  
SPECIAL PERMIT – SPR**

***South Western Bell Mobile Station d/b/a Cingular Wireless, 79 Powers Road (Nashoba Valley Ski Area) Open Public Hearing***

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to open the public hearing.**

Dave Gale, representing Cingular Wireless, was present seeking a Special Permit to construct a wireless communications facility on the existing structure located on top of Nashoba Valley Ski Area. Gale proposed the installation of antennas at the 90 foot level at the existing structure. There will be no increase of the facility in height or compound. Gale submitted additional information as requested by Greenhill. Greenhill reported on the meeting with Gale and Staff. Greenhill stated that Gale has provided revised plans addressing the issues identified by Staff. Shaffer recalled that the Board had indicated in the past that the tower owner also be the applicant.

Al Fletcher, Nashoba Valley Ski Area, explained that Pam F. Inc. is a real estate holding company which also owns the cell tower.

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to close the public hearing.**

**It was moved by Peraner-Sweet, seconded by Fletcher, and VOTED UNANIMOUSLY, to grant a Special Permit to Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless, for the construction of a total of twelve (12) additional panel antennas and six (6) associated equipment cabinets to a tower already existing at the Nashoba Valley Ski Area, 79 Powers Road, in accordance with a plan dated June 14, 2004 and in accordance with the conditions as set forth in Staff Memorandum dated June 21, 2004.**

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to approve Site Plan Review for Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless, to locate a total of twelve (12) additional panel antennas and six (6) associated equipment cabinets to a tower already existing at the Nashoba Valley Ski Area, 79 Powers Road, in accordance with a plan dated June 14, 2004 and in accordance with Staff Recommendations as set forth in a Memorandum dated June 21, 2004.**

**PUBLIC HEARING – HART POND ROAD – DEFINITIVE SUBDIVISION**  
***473 Acton Road, Finest Builders, Inc., Open Public Hearing***

**It was moved by Peraner-Sweet, seconded by Fletcher, and VOTED UNANIMOUSLY, to open the public hearing.**

Mark Sleger, LANDTECH Consultants, was present for the applicant. Sleger outlined the plans for a 3-lot subdivision on the Westford/Chelmsford town line. The access to the subdivision would be through a newly constructed right-of-way at the end of the Morning Glory Circle cul-de-sac in Chelmsford. Sleger showed a plan of a conventional subdivision for the purpose of showing the Board how a conventional subdivision could be constructed on the site. Sleger pointed out the location of an existing house with a well and septic system; the location of the town forest (north of the site); and the location of the flagged wetlands. Sleger stated that the conventional subdivision would have the construction of two (2) new home; 22 feet of pavement; sidewalk on both sides; and cul-de-sac. Sleger stated that the applicant would like to build a private road that would be owned and maintained by the homeowners. The road would be constructed to common driveway standards; 16 feet of pavement with no curbing; grass swales; no sidewalks; and connect into Morning Glory Circle. Sleger pointed out the location of the proposed infiltration trenches. Sleger stated that the two new homes, along with the existing home, would be served by individual septic systems. The applicant has received permission from Chelmsford and the Water Department to service all three homes with town water from Chelmsford. Sleger stated that the applicant would be meeting with the Chelmsford Planning Board in the next few weeks. Sleger outlined the requested waivers. Sleger will provide a justification for the waivers. Peraner-Sweet suggested that the Board conduct a site visit. Peraner-Sweet noted that there is a potential for 11 houses (from the various developments) which is over the 10 that Westford allows off a dead-end cul-de-sac with 1,000 feet. Peraner-Sweet was concerned that the roadway is in Chelmsford serving homes in Westford. Peraner-Sweet suggested a discussion between the Chelmsford and Westford Police and Fire Departments as to who gets the call and the response time. Peraner-Sweet was also concerned with constructing a common driveway (private road) to a minor standard. Shaffer was concerned with reducing the right-of-way from 50 feet down to 40 feet. Shaffer felt that the reduction would provide less setback issues for that lot and would set a bad precedent. Shaffer wanted to get School Department input relative to school bus access. Fletcher stated that intermunicipal agreements will need to be looked into in terms of water and emergency services. Khumalo advised the applicant that if they are proposing to make the road private in perpetuity they should speak to Greenhill about issues that arise from a planning point of view. Shaffer also suggested that the school bus access be addressed as it pertains to snow days. Green asked for an expanded locus showing the lots and homes on Morning Glory Circle and Evans Way. Khumalo stated that in most other towns, subdivision regulations prohibit dead-end streets which access developments through a different town. Green asked for further review of the right-of-way. Greenhill asked for a landscaping plan to identify the limit of work within the development. Sleger stated that they will be filing for a wetlands determination with the Conservation Commission.

George Galarti, 4 Evans Way, Chelmsford, stated that he had no issues with the driveway as long as it remains a driveway. Galarti stated that he did not want the driveway to ever become a road.

Peter Ewing, Old Homestead Road, asked if the residents could request that the road become a public right-of-way. Ewing was also concerned with the waivers requested for the width of the road. Fletcher stated that the Board could put in conditions of the Special Permit that would prohibit making the road a public right-of-way.

Green asked Staff to contact the Chelmsford Planning Board and get the approvals relative to Morning Glory Circle and Evans Way to answer questions regarding continuing lots, additional lots, etc. Shaffer asked for information from Chelmsford regarding their regulations and the number of houses on a dead-end street.

A site visit was scheduled for Saturday, June 26, 2004 at 9:00 a.m. Green asked Galarti to notify his neighbors of the site visit.

Continued to August 2, 2004 at 7:45 p.m. at the Millennium School.

#### **ANR – 304 GROTON ROAD – STONE PONY REALTY TRUST**

Attorney McNeil and Bert Hamill, H-Star Engineering, were present. Greenhill reported that he received an opinion from Town Counsel regarding various legal issues associated with this property. Greenhill also reported that he received a revised plan showing frontage on Lot 5 (200 ft. on Groton Road). No easement is shown on the plan. Hamill stated that there is no recorded easement. Shaffer pointed that while there may be no recorded easement, there is an implied easement. Green stated that the Town would like to ask for that easement as it is an operational drainage easement contributing to the drainage of that roadway. McNeil stated that she believed the easement was abandoned on November 15, 1916. Arsenault stated that this issue needs to be resolved because it will become a public safety hazard if the drainage cannot flow. McNeil believed that the easement did not need to be shown on the plan nor would it inhibit the ANR endorsement as they are showing sufficient frontage and sufficient area. Hamill stated that when the applicant is ready to build, they will be going in front of the Conservation Commission and the Board of Health. Hamill noted that they will have to address drainage with the Conservation Commission and if an easement is required McNeil and Hamill can speak to the applicant to determine if they can accommodate the Town in some manner. Palmer asked Greenhill to correspond with the Conservation Commission regarding the drainage easement issue.

**It was moved by Fletcher, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to endorse with two conditions: that the plan be stamped that this ANR endorsement does not cure any existing zoning violations nor does it exempt the property from future compliance with the Town's zoning bylaws or any other rules and regulations of the Town; and the Town shall not be held liable for any violations of its zoning rules and regulations should such violations be found by the Building Inspector.**

**PUBLIC HEARING – 85 CARLISLE ROAD – PRELIMINARY SUBDIVISION**  
***85 Carlisle Road, Marie R. & Margaret C. Queenan, Open Public Hearing***

**It was moved by Peraner-Sweet, seconded by Fletcher, and VOTED UNANIMOUSLY, to open the public hearing.**

Attorney Douglas Deschenes and Jeff Brem, Meisner Brem Corp., were present for the applicant. Brem showed a three lot preliminary conventional subdivision plan on a 3.5 acre parcel with an existing farmhouse. A demolition permit has been submitted for the removal of the building. Brem proposed a 400 ft. long road with a cul-de-sac bulb. Brem pointed out the wetland areas which will be delineated and reviewed by the Conservation Commission. Greenhill asked for information on sight distances; proposed grading; whether there are any wells on the site or on adjacent properties. Brem stated that they would show any wells on the definitive plans. Shaffer was concerned with impacts to the abutters in terms of clearing, drainage, flooding and runoff issues. Shaffer asked to see a topographical plan. Brem stated that the water will be directed to the catch basins. Fletcher asked if Brem would consider a "T" turnaround in an effort to eliminate some of the pavement. Brem stated that one of the reasons for the roadway location was due to the possibility of the owner's desire to live in the home during construction. Green was concerned with extended clearing on one side of the site. Green asked Brem to consider a Flexible Development. Shaffer suggested pulling the drive closer to the center to the parcel (away from Texas Road).

Attorney Dennis Maloney, representing Marie and Michael Collins, abutters at 87 Carlisle Road, was present. Maloney showed photographs of the Collins' home which is close to the lot line. Maloney stated that Mr. and Mrs. Collins are very concerned with the location of the proposed roadway and the impact to four large trees on their property. Mr. and Mrs. Collins were also concerned with impacts to their property value. Maloney asked if the proposed roadway could intersect with Griffin Road to form a straight intersection. The Collins' property will be surrounded by roads if the proposed road is not moved. Maloney stated that Mr. and Mrs. Collins were told by Peter Severance that there may be a spotted turtle habitat in the wetlands. Maloney submitted photographs taken from the Collins' backyard of the existing barn, a construction trailer and a road used by the applicant's brother to dump

construction and/or landscaping materials in the rear of the property at 85 Carlisle Road.

Michael Collins, 87 Carlisle Road, asked for the Town's regulations regarding construction vehicles going onto the site. Green stated that construction is usually 7:00-7:00, 6 days per week. Green stated that the construction sequencing is done at the time of approval and permitting. Shaffer stated that the developer will not be able to do construction on the lots until the roadway has a binder course installed.

Emily Teller, 9 Texas Road, pointed out a large wetland area and possible impacts in terms of lawn issues and fertilizers. Teller stated that traffic is a huge issue in this area and that many children walk to the soccer fields.

Shaffer asked Greenhill to investigate the dumping going on at 85 Carlisle Road and determine if there are any hazards associated with those materials.

Continued to August 2, 2004 at 8:00 p.m. at the Millennium School.

**PUBLIC HEARING – WESTFORD TECH PARK WEST – SITE PLAN REVIEW  
– SPECIAL PERMITS**

*Concord/Powers Roads, Westford West Realty Trust (Gutierrez), Continued from June 7, 2004*

Continued to August 2, 2004 at 8:30 p.m. at the request of the applicant.

**PUBLIC HEARING – CHANGES TO THE SUBDIVISION RULES &  
REGULATIONS**

*Continued from May 17, 2004*

Green read the proposed Planning Board/Subdivision Changes dated June 18, 2004.

**It was moved by Peraner-Sweet, seconded by Fletcher, and VOTED UNANIMOUSLY, to approve updates to the Subdivision Rules & Regulations; updates from edition dated March 1, 2004 for items 218.7; 218-8.1; 218-9; and 218-10; as noted in Staff Memo of 06/18/04.**

The Board asked Staff to revise the language on 218-11 G. Procedures for inspection... (2) "...as deemed necessary by the Highway Superintendent ***or Town Engineer.*** No reports..."

**It was moved by Peraner-Sweet, seconded by Fletcher, and VOTED UNANIMOUSLY, to approve updates to 218-11 with the exception of G as reflected in Staff Memo dated 06/18/04 and amended here this evening.**

Shaffer suggested revising 218-12 C. Utilities (5)...***or flush mounted to the ground wherever possible...*** Staff to provide appropriate language.



Staff to revise Sections (I) (4), (L) and (M).

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to approve Section 218-12; 218-13 with the exception of (I) (4) (L) and (M) as reflected in Staff Memo dated 06/18/04.**

Continued to August 23, 2004 at 7:45 p.m. at the Millennium School.

### **DIRECTOR'S REPORT**

**Bracket and Lucas Invoice** – For the Board's review.

**Municipal Law Monthly** – For the Board's review.

### **MAILBOX**

**Letter from Engineering Department dated June 10, 2004 regarding Juneberry Lane retaining wall.** Greenhill reported that engineering noticed a crack in the retaining wall on Juneberry Lane north. The structural engineer has indicated that the retaining wall is structurally sound.

**Letter from Engineering Department dated June 10, 2004 regarding sinkhole on Misty Lane** – Greenhill reported that Ashwood Homes is scheduled for July 12, 2004 to discuss outstanding bond issues at Westford Manor Estates. Peraner-Sweet asked Greenhill to contact Ashwood Homes and ask him to fix the sinkhole as it is a safety hazards to the children. The Board will speak to Ashwood Homes regarding Misty Lane at the July 12<sup>th</sup> meeting.

**Letter from V. Banyas dated June 15, 2004 re: Chestnut Hills** – For the Board's information.

### **MINUTES**

**It was moved by Palmer, seconded by Fletcher, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Peraner-Sweet) to approve the minutes of June 7, 2004, as amended.**

### **ADJOURNMENT**

**It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to adjourn the meeting.**

